



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 30, 2011

✓ Charles Ulmschneider

REDACTED

**Re: Warning Letter Re: FPPC Case No. 11/1002; Charles Ulmschneider**

Dear Mr. Ulmschneider:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a complaint that alleged you failed to file the required campaign disclosure statements in your candidacy for the Visalia Unified School District.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a Form 410, Statement of Organization, a Form 470S, the supplement to the Form 470 Short Form stating that you exceeded \$1,000 in contributions, and a Form 460, the Long Form Campaign Statement, by the deadlines.

The Act requires that candidates and their committees file campaign statements at periodic intervals. Specifically the Act provides that candidates who exceed \$1,000 in contributions and have previously filed the Form 470 must file a supplement to the Form 470 notifying opponents and voters that they now have a committee under the Act. (GC § 84206.) Having a committee requires the candidate to file the Form 410 and then file semiannual statements covering the period up to the point of terminating the committee. (GC §§ 84101 and 84200.)

Your actions violated the Act because you failed to file the Form 410, the Form 470S, and a Form 460. However, because your campaign appears to have been entirely self-funded with a single contribution over \$1,000 from yourself and you filed the missing statements within the deadline we specified in our communications with you, we are closing this case with a warning letter. The information in this matter will be retained and may be considered should an

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Now that you have terminated the committee you opened, you are obligated to continue filing the Form 470 once a year until you leave office. Failure to do so is a violation of the Act. Please be advised that after every filing deadline, your local filing officer will refer all non-filers to the Enforcement Division. Any future failure to file your campaign statements will automatically be brought to our attention.

Although the FPPC is not seeking a penalty in the current matter, you are still responsible for any late filing fees assessed by your filing officer. (Section 91013.)

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Please feel free to contact Adrienne Korchmaros at (916) 322-8241 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk  
Chief, Enforcement Division

GSW:ak

cc: Jim Qualls